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DATE December 17, 2002

	NAME	FAX	PHONE
TO	Examiner Patricia Bex Commissioner for Patents – USPTO - Art Unit 1770	(703) 872-9311	(703)306-5697

FROM Maritza D. Kidd (650) 849-4800 (650) 849-4481
 maritza.kidd@bingham.com

PAGES (INCLUDING THIS COVER PAGE): 6

RE SN. 09/156,952 – NOTICE OF APPEAL

Bingham McCutchen LLP
 1900 University Avenue
 East Palo Alto, CA

94303-2223
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 bingham.com

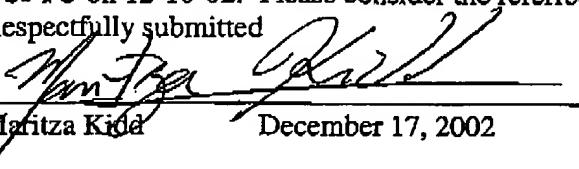
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Message:

Serial No. 09/156,952 - Filed 9-18-1998
 Inventor: Roy Ostgaard, et al

I hereby declare that the enclosed NOTICE OF APPEAL (2 pages) for the above identified application, along with a power of attorney (2 pages) and a fax report with certificate of facsimile transmission dated 12/10/02 (1 page) were transmitted to the USPTO fax number (703) 872-9311 on December 10, 2002.

Also enclosed, the transmission report dated 12-10-02 that shows that the facsimile with Notice of Appeal and power of Attorney were successfully transmitted to the USPTO on 12-10-02. Please consider the referred Notice of Appeal as timely filed.
 Respectfully submitted


 Maritza Kidd December 17, 2002

Enclosures:

Notice of Appeal (2 pages)
 Power of Attorney (2 pages)
 Fax transmittal with certificate of facsimile transmission and transmittal report on 12/10/02 (1 page)

For transmission problems, please call (650) 849-4825

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PAGES (INCLUDING THIS COVER PAGE): 5

RE Notice of Appeal for SN. 09/156,952

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PLEASE DELIVER TO EXAMINER PATRICIA BEX
Re: US Application Serial No. 09/156,952
Filed 9/18/1998
Inventor: Roy Ostgaard, et al

I hereby certify that a Notice of Appeal with authorization to charge fee to deposit account (2 pages); and power of attorney by assignee (2 pages) are being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

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PATENT
Docket No. CYM-025
24738-7003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Roy Ostgaard, et al
Serial No.: 09/156,952
Filed: September 18, 1998
For: SAMPLE VIAL FOR USE IN
PREPARING CYTOLOGICAL
SPECIMEN

Group Art Unit: 1770
Examiner: Patricia Bex

Box Appeal
Commissioner for Patents
Washington, D.C. 20231

NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated September 11, 2002 of the Examiner rejecting claims 1-8, 10 and 12-26.

The items checked below are appropriate.

- Appeal Fee:
 - Large Entity Fee of \$320.00; or
 - Small Entity Fee of \$160.00.
 - Applicant(s) claim Small Entity Status under 37 CFR § 1.27.
- Petition for Extension of Time (3 mos.)
 - Petition for Extension of Time Fee
- Return Postcard.

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. §1.6 (d))

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PATENT
Docket No. CYM-025
24738-7003

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 The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1189. A *duplicate copy of this sheet is enclosed.*

Respectfully submitted,
BINGHAM McCUTCHEN LLP

Dated: 12-9-02

By: David T. Burse
David T. Burse
Reg. No. 37,104



23639

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